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9	BEFORE THE BOARD OF REGISTERED NURSING
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
11	
12	In the Matter of the Accusation Against: Case No. 2011-462
13	YOLANDA VASQUEZ RAMIREZ Post Office Box 6084
14	Brownsville, TX 78523 Registered Nurse License No. 577220 A C C U S A T I O N
15	Respondent.
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18	Complainant alleges:
	<u>PARTIES</u>
19	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Departmen
21	of Consumer Affairs.
22	2. On or about February 14, 2001, the Board of Registered Nursing issued Registered
23	Nurse License Number 577220 to Yolanda Vasquez Ramirez (Respondent). The Registered
24	Nurse License was in full force and effect at all times relevant to the charges brought in this
25	Accusation and will expire on December 31, 2012, unless renewed.
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JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), of the Code, the Board may renew an expired license at any time within eight years after the expiration.
- 6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

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COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Out of State Discipline) (Bus. & Prof. Code §2761(a)(4))

9. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about July 19, 2007, in a disciplinary action before the Board of Nurse Examiners for the State of Texas (Texas Board), the Texas Board entered an Agreed Order (Order) reprimanding Respondent and subjecting her license to various stipulations. The stipulations imposed by the Agreed Order required Respondent to: (1) deliver her wallet-sized license to the Texas Board for appropriate notation; (2) pay a monetary fine within 45 days of entry of the Order; (3) within one year of entry of the Order, successfully complete a Board-approved course in Texas nursing jurisprudence for a minimum of six contact hours; (4) within one year of entry of the Order, successfully complete a Board-approved course in nursing ethics for a minimum of six contact hours; (5) if practicing as an advanced practice nurse, provide direct patient care only in a hospital, nursing home, or other clinical setting and work a minimum of 64 hours-per-month; (6) notify all present and future nursing employers of the Order and the stipulations on her license; (7) cause each nursing employer to submit the Notification of Employment form; (8) if working as a Family Nurse Practitioner, have her work monitored for one year by a Texas Board-approved physician or family nurse practitioner; (9) meet with her monitoring physician or practitioner at least twice a month for one hour; and (10) cause her monitoring physician or practitioner to submit quarterly reports addressing Respondent's progress in overcoming her deficiencies.

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$1 \parallel$	10. The underlying conduct supporting the Texas Board's disciplinary action is that on or
2	about February 3, 2005, while employed as a Nurse Practitioner with Paul Albert Lenz, M.D.,
3	P.A., in Brownsville, Texas, Respondent misappropriated non-narcotic samples of
4	pharmaceuticals from the facility and its patients.
5	<u>PRAYER</u>
6	WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
7	Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:
8	1. Revoking or suspending Registered Nurse License Number 577220, issued to
9	Yolanda Vasquez Ramirez;
10	2. Ordering Yolanda Vasquez Ramirez to pay the Board of Registered Nursing the
11	reasonable costs of the investigation and enforcement of this case, pursuant to Business and
12	Professions Code section 125.3;
13	3. Taking such other and further action as deemed necessary and proper.
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15	DATED: Governhes 15, 2010 Souise L. Beiley
16	LOUISE R. BAILEY, M.ED., RN Interim Executive Officer
17	Board of Registered Nursing Department of Consumer Affairs
18	State of California Complainant
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